DETAILED ACTION

This Office Action is in response to Amendment filed June 16, 2010. Claims 1-8 are presented for further examination.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamakita (hereinafter "Yam", European Patent Application 0 865 192 A2) in view of Shaffer et al. (hereinafter "Shaffer", US Patent 6,092,114) and in further view of Codignotto (US Patent Publication 2006/0143307 A1) and in further view of Anderson et al. (hereinafter "Anderson", US Patent 6,571,246 B1).

As per claim 1, Yam discloses data communication system for sending and receiving e-mail between electronic devices by an e-mail system using a transmission control protocol/Internet protocol (TCP/IP) as a communication protocol, said data communication system comprising:

- A transmitting electronic device including at least an e-mail sending/receiving function for attaching obtained original data to the e-mail, adding a processing

command and sending the e-mail to a network (column 1, lines 1-3, column 3, lines 4-7, column 5, lines 4-10);

- A relay server for receiving the e-mail sent from said transmitting electronic device, processing the original data attached to the e-mall based on the added processing command, attaching the processed data to the e-mail, and sending the e-mail to a receiving electronic device (column 3, lines 9-16, 28-31, column 5, lines 25-40, column 6, lines 1-7, 24-30).

Yam does not explicitly disclose:

- Wherein said processing command indicates an instruction for editing the attached obtained original data;
- Wherein the processing commands are described in text format and predetermined between the electronic devices.

However, in an analogous art, Shaffer discloses a client sending a request to a local server requesting manipulation of an attachment located in an email attachment. The request is for format conversion of the attachment. If the local server can not perform the conversion, a request is then sent to a remote server (column 4, lines 15-20, 65-67, column 5, lines 1-9, 22-30, column 7, lines 20-25, 39-62).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Shaffer's processing command indicates an instruction for editing the obtained original data and described in text format and predetermined between the electronic devices in Yam's system in order to for the recipient user to have access of the attached file.

Yam, in view of Shaffer, does not explicitly disclose:

- Wherein said processing command is added to the obtained original data at the time of obtainment.

However, in an analogous art, Codignotto discloses a user sending an email to a system containing commands. The system checks the email for any commands that might have been added by the user. The commands are extracted and used during processing and publishing of the email (paragraphs [0180-0181]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Codignotto's processing command is added to the obtained original data at the time of obtainment in order that the system identifies the commands and is able to process them accordingly.

Yam, in view of Shaffer and Codignotto, does not explicitly disclose:

- Wherein, when a user specific custom tag and unique processing command are predetermined between the transmitting electronic device and the relay server;
- Wherein adding the user specific custom tag allows editing of the attached obtained original data which is unique to a user's request;
- Wherein content of the user specific tag is predetermined between the transmitting electronic device and the relay server by exchanging information in advance of adding the user specific custom tag.

However, in an analogous art, Anderson teaches a system in which a user creates business process having tags containing identifying information. The web server uses the tags to match an image to corresponding data stored in the database (column 2,

lines 47-50, 55-57, 64-67, column 3, lines 1-5, 14-24, 48-50-55, 60-65, column 4, lines 15-20, column 7, lines 17-27).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Anderson's user specific custom tag and unique processing command in Yam's system in order to increase speed performance and decrease confusion when matching an image corresponding to data in a database.

As per claim 2, Yam discloses a data communication system according to claim 1,wherein said electronic devices comprise an image pick-up device for capturing still image data as the obtained original data, and the processing command comprises an editing command for editing the still image data (column 1, lines 52-58, column 3, lines 26-30, column 5, lines 14-24).

As per claim 3, Yam discloses a data communication system according to claim 1, wherein the processing command is in a text format and is predetermined by an agreement between said transmitting electronic device and said relay server (column 5, lines 48-58).

As per claim 4, Yam discloses a data communication system according to claim 1, wherein said transmitting electronic device is connected to said network via

communication means using Bluetooth standards (column 5, lines 25-35, column 13, lines 15-17, 28-30) .

As per claim 5, Yam discloses a data communication method for sending and receiving e-mail between electronic devices by an e-mail system using a TCP/IP as a communication protocol, said data communication method comprising the steps of:

- Attaching original data obtained in a transmitting electronic device to the e-mail adding a processing command and sending the e-mail from said transmitting electronic device to a network (column 1, lines 1-3, column 3, lines 4-7, column 5, lines 4-10);
- Receiving the email sent from said transmitting electronic device a relay server on said network, processing the original data attached to the e-mail based on the added processing command, attaching the processed data to the e-mail and sending the e-mail to a receiving electronic device (column 3, lines 9-16, 28-31, column 5, lines 25-40, column 6, lines 1-7, 24-30).

Yam does not explicitly disclose:

- Wherein said processing command indicates an instruction for editing the obtained original data.

However, in an analogous art, Shaffer discloses a client sending a request to a local server requesting manipulation of an attachment located in an email attachment. The request is for format conversion of the attachment (column 4, lines 15-20, 65-67, column 5, lines 1-9, 22-30, column 7, lines 39-62).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Shaffer's processing command indicates an instruction for editing the obtained original data in Yam's system in order to for the recipient user to have access of the attached file.

Yam, in view of Shaffer, does not explicitly disclose:

- Wherein said processing command is added to the obtained original data at the time of obtainment.

However, in an analogous art, Codignotto discloses a user sending an email to a system containing commands. The system checks the email for any commands that might have been added by the user. The commands are extracted and used during processing and publishing of the email (paragraphs [0180-0181]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Codignotto's processing command is added to the obtained original data at the time of obtainment in order that the system identifies the commands and is able to process them accordingly.

Yam, in view of Shaffer and Codignotto, does not explicitly disclose:

- Wherein, when a user specific custom tag and unique processing command are predetermined between the transmitting electronic device and the relay server;
- Wherein adding the user specific custom tag allows processing unique to a user's request;

- Wherein content of the user specific tag is predetermined between the transmitting electronic device and the relay server by exchanging information in advance of adding the user specific custom tag.

However, in an analogous art, Anderson teaches a system in which a user creates business process having tags containing identifying information. The web server uses the tags to match an image to corresponding data stored in the database (column 2, lines 47-50, 55-57, 64-67, column 3, lines 1-5, 14-24, 50-55, 60-65).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Andereson's user specific custom tag and unique processing command in Yam's system in order to increase speed performance and decrease confusion when matching an image corresponding to data in a database.

As per claim 6, Yam further discloses a data communication method according to claim 5, wherein said transmitting electronic device comprises an image pick-up device for capturing still image data as the obtained original data, and the processing command comprises an editing command for editing the still image data (column 1, lines 52-58, column 3, lines 26-30, column 5, lines 14-24).

As per claim 7, Yam discloses a data communication method according to claim 5, wherein the processing command is in a text format and is predetermined by an

agreement between said transmitting electronic device and said relay server (column 5, lines 48-58).

As per claim 8, Yam discloses a data communication method according to claim 5, wherein said transmitting electronic device is connected to said network via communication means using Bluetooth standards (column 5, lines 25-35, column 13, lines 15-17, 28-30).

Response to Arguments

3. Applicant's arguments filed have been fully considered but they are not persuasive.

The Office notes the following argument(s):

(a) Applicants submit that Yamakita, Shaffer, Codignotto, and Mullaly taken alone or in combination, fails to suggest or render predictable the handling of unique processing commands.

(b) Applicants submit that such disclosure in Anderson does not render claim 1 unpatentable. Furthermore, Yamakita, Shaffer, Codignotto, Mullaly, and Anderson taken alone or in combination, fails to suggest or render predictable that a user specific custom tag and a unique processing command are predetermined between the transmitting electronic device and the relay server, and adding the user specific custom tag allows editing of the attached obtained original data which is unique to a user's request, and wherein content of the user specific tag is predetermined between the

transmitting electronic device and the relay server by exchanging information in advance of adding the user specific custom tag as recited in amended claim 1.

In response to:

(a)-(b) Anderson is cited for teaching these features. Anderson teaches photographic images obtained by a digital capture device and uploaded to a server for further processing. An executable file is sent to the digital capture device from the server. This predefined file contains instructions as to the process of downloading images to the server including tagging information and processing information. The digital capture device uses the predefined file to attach and download the images. Tags (user-specific) are attached to the images enabling the server to recognize and execute appropriate processing on the images. Processing performed by the server includes sizing (editing), scaling (editing), cropping (editing), and formatting (editing) (column 3, lines 48-60, column 4, lines 15-20, 25-35, 50-67, column 5, lines 1-15, column 7, lines 17-27).

Therefore, Anderson, without a doubt, teaches a user specific custom tag and a unique processing command are predetermined between the transmitting electronic device and the relay server, and adding the user specific custom tag allows editing of the attached obtained original data which is unique to a user's request, and wherein content of the user specific tag is predetermined between the transmitting electronic device and the relay server by exchanging information in advance of adding the user specific custom tag.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BARBARA N. BURGESS whose telephone number is (571)272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Barbara N Burgess/
Examiner, Art Unit 2457

August 30, 2010

/Barbara N Burgess/
Examiner, Art Unit 2457

Barbara N Burgess
Examiner
Art Unit 2457